

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CYTYC CORPORATION,

Applicant,

v.

DEKA PRODUCTS LIMITED
PARTNERSHIP,

Respondent.

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CIVIL ACTION
NO. 05-10932 (WGY)

CYTYC CORPORATION'S MOTION FOR STAY PENDING APPEAL

Pursuant to Federal Rule of Civil Procedure 62(d) and Local Rule 62.2, Cytyc Corporation respectfully moves for a stay pending Cytyc's appeal of this Court's July 8, 2005 order denying Cytyc's application to vacate the final award of an arbitration panel and affirming DEKA's cross-motion to confirm the award.* Cytyc submits the accompanying memorandum in support of its motion.

In further support of its motion, in lieu of a supersedeas bond Cytyc proposes to post an Irrevocable Letter of Credit, payable to DEKA, in the amount of \$9,997,094.30, which represents the amount of the arbitration award, plus ten percent, plus \$500.00, as directed by Local Rule 62.2. Cytyc will post the letter of credit upon approval of the amount by this Court.

WHEREFORE, for all of the reasons provided in the accompanying memorandum, Cytyc respectfully moves that this Court stay execution of the arbitration award pending appeal.

* On March 7, 2005 the panel issued a partial final award, which ordered Cytyc to pay \$155,758 to DEKA. On April 26, 2005, the panel rendered its final award (incorporating the partial award) for a total award in the amount of \$9,087,813.

CYTYC CORPORATION

By its attorneys,

/s/ Lisa Pirozzolo

Lisa J. Pirozzolo, Esq. (BBO #561922)

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Dated: August 15, 2005

CERTIFICATE OF SERVICE

I, Lisa J. Pirozzolo, hereby certify that the foregoing Cytac Corporation's Motion For Stay Pending Appeal was served by First Class Mail on August 15, 2005 upon:

Lee Carl Bromberg
Erik Paul Belt
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/s/ Lisa Pirozzolo
Lisa J. Pirozzolo